

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAVELLE SEARCY (#195469),

Plaintiff,

v.

Case No. 2:10-CV-11242
Honorable Denise Page Hood

MACOMB COUNTY AND
ARAMARK CORPORATION,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S FEBRUARY 12, 2014,
REPORT AND RECOMMENDATION [#232]**

This matter is before the Court on Magistrate Judge Paul J. Komives's Report and Recommendation on Defendant Aramark Corporation's Motion for Summary Judgment [**Docket No. 232, filed February 12, 2014**]. Plaintiff filed an Objection to the Magistrate's Report and Recommendation [**Docket No. 239, filed April 8, 2014**]. Defendant Aramark Corporation filed a Response to the Objection [**Docket No. 240, filed April 22, 2014**]. Plaintiff filed a Reply to the Response [**Docket No. 241, filed May 7, 2014**]. For the reasons stated below, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety. Defendant Aramark Corporation's Motion for Summary Judgment [**Docket No. 209, filed April 2, 2013**] is **GRANTED**.

I. BACKGROUND

The Magistrate Judge describes the background of this case in detail. Plaintiff filed an objection to the Magistrate Judge's Report and Recommendation [**Docket No. 239, filed April 8, 2014**], but his objections have no merit and are addressed by the Report and Recommendation [**Docket No. 232, filed February 12, 2014**]. The Court adopts the Magistrate Judge's findings of fact in their entirety.

II. STANDARD OF REVIEW

The Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* Objections to the Report and Recommendation must be timely and specific. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) ("The filing of objections provides the district court with the opportunity to consider the specific contentions of the parties and to correct any errors immediately.")

"[O]nly those specific objections to the magistrate's report made to the district court will be preserved for appellate review; making some objections but

failing to raise others will not preserve all the objections a party may have.” *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). “An ‘objection’ that does nothing more than state a disagreement with a magistrate’s suggested resolution, or simply summarizes what has been presented before, is” insufficient. *Aldrich v. Bock*, 327 F. Supp. 2d 743, 747 (E.D. Mich. 2004). A party’s failure to file any objections waives his or her right to further appeal, *see Smith*, 829 F.2d at 1373, and relieves the Court from its duty to review the matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

III. ANALYSIS

Plaintiff filed an Objection to the Magistrate Judge’s Report and Recommendation [**Docket No. 239, filed April 8, 2014**]. Defendant Aramark Corporation filed a Response to the Objection [**Docket No. 240, filed April 22, 2014**]. Plaintiff filed a Reply to the Response [**Docket No. 241, filed May 7, 2014**]. The objections have no merit and are adequately addressed by the Magistrate Judge’s Report and Recommendation.

IV. CONCLUSION

Accordingly,

IT IS ORDERED that Defendant Aramark Corporation’s Motion for Summary Judgment [**Docket No. 209, filed April 2, 2013**] is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Aramark Corporation is dismissed from this case.

IT IS ORDERED that this matter is referred to Magistrate Judge Paul J. Komives to make a recommendation as to the remaining Defendant, Macomb County within 30 days.

IT IS SO ORDERED.

Dated: September 30, 2014

s/Denise Page Hood

Denise Page Hood

United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 30, 2014, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager